



Docket No.: 7678.811

In re application of:

Examiner: Not Yet Known

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) Art Unit  
) Not Known  
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## 1

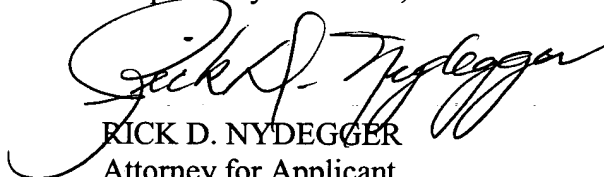
102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. § 1.98(c), all English translations within the possession, custody, control or availability of anyone designated in 37 C.F.R. § 1.56(c) of each nonenglish reference, if any, are also enclosed.

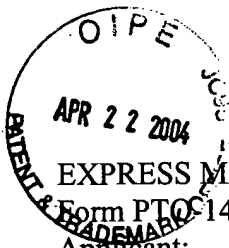
Dated this 22<sup>nd</sup> day of April, 2004.

Respectfully submitted,



RICK D. NYDEGGER  
Attorney for Applicant  
Registration No. 28,651  
Customer No. 022913

RDN:kcs  
KCS0000002242V001



EXPRESS MAIL LABEL NO.: EV 396740579 US

Form PTOC-1449

Sheet 1 of 4

Applicant: Dan E. Fischer  
Serial No.: 10/766,503  
Filing Date: January 28, 2004  
Confirmation No.: Not Yet Known  
For: DELIVERY SYSTEM FOR BONE GROWTH PROMOTING  
MATERIAL

Att'y Docket No.: 7678.811  
Group: Not Yet Known

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INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANT

U.S. Patent Documents

<u>Examiner Initial*</u>	<u>Patent Number</u>	<u>Issue Date</u>	<u>Name</u>	<u>Class</u>	<u>Sub Class</u>	<u>Filing Date</u>
_____ A1.	5,787,901	08/04/98	Wilson	128	898	01/28/97
_____ A2.	5,837,258	11/17/98	Grotendorst	424	198.1	05/31/96
_____ A3.	5,958,441	09/28/99	Oppermann, et al.	424	423	05/24/95
_____ A4.	5,985,315	11/16/99	Patat, et al.	424	443	12/30/97
_____ A5.	6,180,606	01/30/01	Chen, et al.	514	12	01/13/98
_____ A6.	6,297,213	10/02/01	Oppermann, et al.	514	12	05/07/98
_____ A7.	6,326,018	12/04/01	Gertzman, et al.	424	423	10/07/99
_____ A8.	6,372,257	04/16/02	Marchosky	424	488	06/29/00
_____ A9.	6,565,606	05/20/03	Bruce, et al.	623	23.63	09/09/99
_____ A10.	6,565,884	05/20/03	Mimni	424	484	09/10/01
_____ A11.	6,576,249	06/10/03	Gendler, et al.	424	423	11/13/00
_____ A12.	6,599,517	07/29/03	Ljusberg-Wahren	424	423	07/06/99

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Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

EXPRESS MAIL LABEL NO.: EV 396740579 US

Form PTO-1449

Sheet 2 of 4

Applicant: Dan E. Fischer

Serial No.: 10/766,503

Att'y Docket No.: 7678.811

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Group: Not Yet Known

Confirmation No.: Not Yet Known

For: DELIVERY SYSTEM FOR BONE GROWTH PROMOTING  
MATERIAL

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U.S. Patent Documents

<u>Examiner Initial*</u>	<u>Publication Number</u>	<u>Pub. Date</u>	<u>Name</u>	<u>Class</u>	<u>Sub Class</u>	<u>Filing Date</u>
_____ A13.	2003/0009147	01/09/03	Bonutti	604	500	09/03/02
_____ A14.	2003/0135214	07/17/03	Fetto, et al.	606	72	01/15/02
_____ A15.	2003/0147860	08/07/03	Marchosky	424	93.7	02/07/02
_____ A16.	2003/0166274	09/04/03	Hewitt, et al.	435	366	11/15/02

Foreign Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Publ. Date</u>	<u>Country or Patent Office</u>	<u>Sub Class</u>	<u>Class</u>	<u>Trans- lation</u>
_____ A17.	WO9639203	12/12/96	EPO	A61F2	28	

Other Documents

(including author (if listed), title, relevant pages, date of publication including at least month and year).

Examiner  
Initial\*

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Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



EXPRESS MAIL LABEL NO.: EV 396740579 US  
Form PTO-1449

Sheet 3 of 4

Applicant: Dan E. Fischer  
Serial No.: 10/766,503  
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Confirmation No.: Not Yet Known

Att'y Docket No.: 7678.811  
Group: Not Yet Known

For: DELIVERY SYSTEM FOR BONE GROWTH PROMOTING  
MATERIAL

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- \_\_\_\_\_ A18. Cook, S.D., "ENHANCED BONE INGROWTH AND FIXATION STRENGTH WITH HYDROXYAPATITE-COATED POROUS IMPLANTS" Database: PMID, Accession No. 10171176, Semin Arthroplasty. October 1991
- \_\_\_\_\_ A19. Damien, CJ, "EFFECT OF DEMINERALIZED BONE MATRIX ON BONE GROWTH WITHIN A POROUS HA MATERIAL: A HISTOLOGIC AND HISTOMETRIC STUDY" Database: PMID, Accession No. 9309501, J. Biometer Appl. June 1995
- \_\_\_\_\_ A20. Cook, S.D., "THE EFFECT OF DEMINERALIZED BONE MATRIX GEL ON BONE INGROWTH AND FIXATION OF POROUS IMPLANTS" J. Database: PMID, Accession No. 10171176, Arthroplasty, October 1991
- \_\_\_\_\_ A21. Chiroff, R. T., TISSUE INGROWTH OF REPLAMINEFORM IMPLANTS" J. Biomed Mater Res. Jul 1975. <http://www.sodbrennedn-welt.de/science/1975>
- \_\_\_\_\_ A22. University of Oxford, Project Number 542 "BONE BONDING SPHERES" <http://www.isis-innovation.com/licensing/542.html>

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Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

EXPRESS MAIL LABEL NO.: EV 396740579 US

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Sheet 4 of 4

Applicant: Dan E. Fischer

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Filing Date: January 28, 2004

Group: Not Yet Known

Confirmation No.: Not Yet Known

For: DELIVERY SYSTEM FOR BONE GROWTH PROMOTING  
MATERIAL

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### References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

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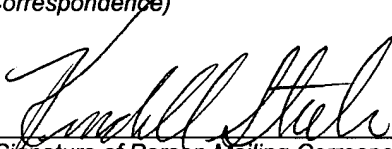
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Examiner:

Date Considered:

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<b>CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)</b> Applicant(s): Dan E. Fischer				Docket No. 7678.811	
Serial No. 10/766,503	Filing Date Jan. 28, 2004	Confirmation No. Not Known	Examiner Not Known	Group Art Unit Not Known	
Invention: DELIVERY SYSTEM FOR BONE GROWTH PROMOTING MATERIAL					
<p>I hereby certify that the Transmittal letter (2 pages) (in triplicate); Information Disclosure Statement (2 pgs); Form PTO-1449 Listing all Cited References (4 pgs); and postcard are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on <u>April 22</u>, 2004.</p>					
<div style="text-align: right;"><p>Kendell Steele</p><p>(Typed or Printed Name of Person Mailing Correspondence)</p><p></p><p>(Signature of Person Mailing Correspondence)</p><p><b>EV 396740579 US</b></p><p>("Express Mail" Mailing Label Number)</p></div>					
KCS0000002257V001					

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EXPRESS MAIL LABEL NO.: EV396740579US PATENT APPLICATION  
 Docket No.: 7678.811

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## TRANSMITTAL FOR INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement.

Enclosed also are the following designated documents, as required under 37 C.F.R. §§ 1.97 and 1.98:

- ☒ Form PTO-1449 list of twenty-two (22) references submitted for consideration.
- ☐ Legible copies of the listed references or their relevant portions.
- ☐ All English translations of each non-English reference, if any, within the possession, custody, control or availability of anyone designated in 37 C.F.R. § 1.56(c) (see 37 C.F.R. § 1.98(c)).

The following are included within the Information Disclosure Statement if applicable and as required under 37 C.F.R. § 1.98:

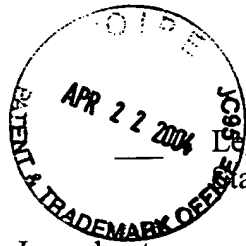
- ☐ Concise explanation of relevance of each reference not in English and unaccompanied by an English translation.
- ☐ Statement that certain listed references not enclosed are substantially cumulative of an enclosed reference.
- ☐ Statement that certain listed references not enclosed were previously cited by or submitted to the Office in the identified prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

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 DAVID J. LORENZ †

\* Admitted only in California  
 † Admitted only in New York







Legible Copies of previously filed Information Disclosure Statement for application Serial No. \_\_\_\_, filed \_\_\_\_.

In order to secure consideration of the items designated above, one or more of the following, if required, is also enclosed:

\_\_\_ Promptness Certification.

\_\_\_ Check No. \_\_\_\_\_ in the amount of \$240.00 constituting submission fee under 37 C.F.R. 1.17(p);

\_\_\_ Petition for Consideration and Check No. \_\_\_\_\_ in the amount of \$\_\_\_\_\_.

X In the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that the Promptness Certification meets the requirements of 37 C.F.R. § 1.97(e), or in any other event remediable by a fee, please credit any over payment or charge any additional fees to Deposit Account No. 23-3178 of the undersigned.

Dated this 22<sup>nd</sup> day of April, 2004.

Respectfully submitted,

RICK D. NYDEGGER  
Attorney for Applicant  
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Customer No. 022913